
SENATE BILL No. 147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-7; IC 35-44-2-2.

Synopsis: Law enforcement issues. Provides that a law enforcement officer who engages in sexual conduct with a child who is at least 16 and less than 18 years of age and at least five years younger than the law enforcement officer commits child seduction, a Class D felony. Increases the penalty for false reporting to a Class D felony if it is committed by means of a computer network and it substantially hinders any law enforcement process or if it results in harm to an innocent person.

Effective: July 1, 2010.

Lawson C

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

C
o
p
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 147

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-4-7, AS AMENDED BY P.L.125-2009,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2010]: Sec. 7. (a) As used in this section, "adoptive parent"
4 has the meaning set forth in IC 31-9-2-6.
5 (b) As used in this section, "adoptive grandparent" means the parent
6 of an adoptive parent.
7 (c) As used in this section, "charter school" has the meaning set
8 forth in IC 20-18-2-2.5.
9 (d) As used in this section, "child care worker" means a person who:
10 (1) provides care, supervision, or instruction to a child within the
11 scope of the person's employment in a shelter care facility;
12 (2) is employed by a:
13 (A) school corporation;
14 (B) charter school;
15 (C) nonpublic school; or
16 (D) special education cooperative;
17 attended by a child who is the victim of a crime under this



C
o
p
y

chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; or

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(j) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(k) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is:

(A) the:

(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(ii) child care worker for; or

(B) a military recruiter who is attempting to enlist;

C
o
p
y



a child at least sixteen (16) years of age but less than eighteen (18) years of age;
engages with the child in sexual intercourse, deviate sexual conduct, ~~(as defined in IC 35-41-1-9)~~; or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

(l) A law enforcement officer who:

(1) engages with a child at least sixteen (16) years of age but less than eighteen (18) years of age in sexual intercourse, deviate sexual conduct, or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the law enforcement officer; and
(2) is at least five (5) years older than the child;
commits child seduction, a Class D felony.

SECTION 2. IC 35-44-2-2, AS AMENDED BY P.L.92-2007, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) As used in this section, "consumer product" has the meaning set forth in IC 35-45-8-1.

(b) As used in this section, "misconduct" means a violation of a departmental rule or procedure of a law enforcement agency.

(c) A person who reports, by telephone, telegraph, mail, or other written or oral communication, that:

(1) the person or another person has placed or intends to place an explosive, a destructive device, or other destructive substance in a building or transportation facility;
(2) there has been or there will be tampering with a consumer product introduced into commerce; or
(3) there has been or will be placed or introduced a weapon of mass destruction in a building or a place of assembly;
knowing the report to be false commits false reporting, a Class D felony.

(d) A person who:

(1) gives a false report of the commission of a crime or gives false information in the official investigation of the commission of a crime, knowing the report or information to be false;
(2) gives a false alarm of fire to the fire department of a governmental entity, knowing the alarm to be false;
(3) makes a false request for ambulance service to an ambulance service provider, knowing the request to be false;
(4) gives a false report concerning a missing child (as defined in IC 10-13-5-4) or missing endangered adult (as defined in IC 12-7-2-131.3) or gives false information in the official

C
o
p
y



1 investigation of a missing child or missing endangered adult
2 knowing the report or information to be false;

3 (5) makes a complaint against a law enforcement officer to the
4 state or municipality (as defined in IC 8-1-13-3) that employs the
5 officer:

6 (A) alleging the officer engaged in misconduct while
7 performing the officer's duties; and

8 (B) knowing the complaint to be false; or

9 (6) makes a false report of a missing person, knowing the report
10 or information is false;

11 commits false informing, a Class B misdemeanor. However, the offense
12 is a Class A misdemeanor if it substantially hinders any law
13 enforcement process or if it results in harm to an innocent person, **and**
14 **the offense is a Class D felony if it is committed by means of a**
15 **computer network (as defined in IC 35-43-2-3) and it substantially**
16 **hinders any law enforcement process or if it results in harm to an**
17 **innocent person.**

C
o
p
y

